



State Council on Developmental Disabilities

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Council Policy On Sheltered Work and Subminimum Wage And the Transition to Integrated Competitive Employment

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Introduction

The Employment First Policy seeks to further the values of the Lanterman Act to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age, to support the integration of persons with developmental disabilities into the mainstream life of the community, and to bring about more independent, productive, and normal lives. Therefore, the Council must advocate for the transition to integrated competitive employment while also promoting supports and services that support individuals in all aspects of community living.

Policy

Whereas, the State Council on Developmental Disabilities is committed to promoting systems change and quality supports so that all working age people with developmental disabilities will have the option to work in integrated employment at regular wages.

Whereas, the State of California has adopted *the Employment First Policy* stating that opportunities for integrated, competitive employment shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities.

Whereas, state and federal minimum wage laws seek to protect working people from exploitation and improve their quality of life through ensuring a minimum level of pay.

"The Council advocates, promotes & implements policies and practices that achieve self-determination, independence, productivity & inclusion in all aspects of community life for Californians with developmental disabilities and their families."

Whereas, the 1938 Fair Labor Standards Act's subminimum wage provisions were created in the era of the Great Depression when employment opportunities were scarce and little was known about supporting people with disabilities in integrated competitive employment.

Whereas, knowledge and services have evolved, state systems and employment supports have improved so that segregated work environments and payment of subminimum wages are not necessary to provide work opportunities for people with disabilities.

Whereas, there is a lack of oversight and enforcement by the Department of Labor Wage and Hour Division for the special minimum wage certificates, a lack of consistency in the time study tests done by employers to assess the wage level, and a singling out of workers with disabilities given that the general workforce is not subjected to standards of timed productivity.

Whereas, subminimum wages have been described by workers with disabilities as humiliating, degrading, and making them feel like "second-class citizens."

Whereas, sheltered workshops are generally ineffective at progressing workers with disabilities to integrated competitive employment, and the subminimum wage certificates serve as a counter-incentive to integrate workers into the mainstream economy.

Whereas, the growth of integrated competitive employment opportunities are necessary to replace employment in sheltered work and paying subminimum wage.

Whereas, the United Nations Convention on the Rights of People with Disabilities recognizes the right of persons with disabilities to work on an equal basis with others; and the opportunity to gain a living in a work environment that is open, inclusive and accessible.

Whereas, the Universal Declaration on Human Rights recognizes that everyone has the right to work, and, without any discrimination, receive equal pay for equal work to ensure an existence worthy of human dignity.

Whereas, individuals with disabilities share the same human aspirations and rights as persons without disabilities.

Therefore, be it resolved that the State Council on Developmental Disabilities shall:

- (1) Advocate for systematically phasing out sheltered workshops and subminimum wage.
- (2) Promote services that best support individuals in integrated competitive employment through advocating for rate incentives, disseminating best practices, and educating individuals and their families on the Employment First Policy.
- (3) Advocate for a systematic transition away from sheltered work through phased in measures such as limiting referrals for transition age youth, limiting referrals for all individuals, and targets for downsizing, closure, and restructuring into integrated services.
- (4) Research other states that have shown leadership in reducing reliance on sheltered work and subminimum wage to determine best practices and systems change efforts that could be applied to California. Identify successful practices and system change efforts within California for replication in other areas of the state.
- (5) Request that the Department of Developmental Services develop, with stakeholder input, a plan for the systematic phasing out of sheltered workshops and the use of subminimum wage.
- (6) As segregated and subminimum wage employment is phased out, individuals exiting those services must have access to replacement services and supports, as determined through their IPP, including options for integrated competitive employment.

PLAIN LANGUAGE VERSION

State Council on Developmental Disabilities Policy On

SHELTERED WORKSHOPS AND SUBMINIUM WAGE

The State Council shall:

- (1) Advocate for phasing out sheltered workshops and subminimum wage.
- (2) Advocate for services that support people in regular jobs making regular pay.
- (3) Advocate for limiting referrals to sheltered workshops and a time to close them.
- (4) Find out what other states have done to do that. Find what is happening in California that may work.
- (5) Ask the Department of Developmental Services to develop a plan to do that.
- (6) Make sure people in sheltered workshops and making subminimum wage have other options.